

The Governor's Family Violence Council

Executive Order: 01.01.2008.16

MSAR # 7443

December 1, 2011

Submitted by: Governor's Office of Crime Control & Prevention

Erin Newton

410-821-2887

erin@goccp-state-md.org



300 E. Joppa Road, Suite 1105
Baltimore, Maryland 21286-3016
410-821-2828/Toll Free: 1-877-687-9004
Fax: 410-321-3116
INFO@GOCCP-STATE-MD.ORG
WWW.GOCCP.ORG

Martin O'Malley
Governor

Anthony Brown
Lt. Governor

Kristen Mahoney
Executive Director

TO: The Honorable Martin O'Malley
Governor
State of Maryland

FROM: Kristen Mahoney
Executive Director
Governor's Office of Crime Control & Prevention

DATE: December 1, 2011

RE: Governor's Family Violence Council, Annual Update

As per Executive Order, 01.01.2008.16, Governor's Family Violence Council which rescinded Executive Order 01.01.2006.01, on behalf of the Council, I am pleased to provide you with an Annual Update regarding its efforts to date.

History

In November, 1995, Lt. Governor Kathleen Kennedy Townsend and Maryland Attorney General J. Joseph Curran, Jr. created the Family Violence Council. That Council brought together leaders from various systems and produced 20 recommendations and an Action Plan to reduce family violence in Maryland.

The previous administration issued Executive Order 01.01.2006.01 which established the Governor's Council on Family Violence Prevention (Council). No appointments to the Council were ever made. In 2007, the Legislature provided the Governor's Office of Crime Control and Prevention (GOCCP) with funding for one person to staff the Council. In June of 2007, GOCCP hired Erin Newton as the FVC Coordinator.

After several meetings with stakeholders in the family violence arena, it was agreed to establish the Council as soon as possible. Appointments were made and the Council held its first meeting on January 7, 2008. Since its first meeting in January of 2008, the Council has met regularly every other month, holding a total of twenty-two full council and approximately sixty subcommittee meetings between its now five subcommittees.

Progress Dec. 1, 2010 – Dec. 1, 2011

As was agreed upon by the Council, the members met approximately every other month, meeting five times as a full Council. The five subcommittees of the Council met throughout the year as well and were instrumental in the completion of several trainings and projects. Also of note is the resignation of Jodi Finkelstein and Cheryl Kravitz, who after nearly four years of service as co-chairs to the Council, decided to step down in their roles effective June 30th. Accomplishments for calendar year 2011 follow.

Subcommittees

This year, the Council's five existing subcommittees continued their hard work in the field of domestic violence. This included the creation of a new subcommittee, the Comprehensive Domestic Violence Program Directors Subcommittee, which consists of Directors from eighteen comprehensive victim providers across the State.

Public Awareness

The Public Awareness Subcommittee was initially responsible for defining the mission statement of the FVC, determining the number of meetings necessary, and providing recommendations for Executive Order revisions. Moving forward, this subcommittee became a resource for the public and victims in combating family violence throughout Maryland, as well as identifying ways to educate individuals and groups about domestic and family violence issues. This year, the Public Awareness Subcommittee accomplished much with regards to public outreach and education.

Hospital Based Domestic Violence Programs

In October 2010, members of the FVC joined Lieutenant Governor Anthony Brown at the Prince George's Hospital Center for the launch of their new hospital-based domestic violence program and the release of the new Executive Order, which prioritized state funding for use in the creation and expansion of hospital-based domestic violence programs. To report on the success of that project, Karalyn Mulligan from the Domestic Violence and Sexual Assault Center at Dimensions Healthcare at Prince George's County Hospital Center, presented to the Council in May of this year.

As a result of the Executive Order passed in 2010 and funding from both GOCCP and the HSCRC, Prince George's Hospital Center began their Domestic Violence Program at their Domestic Violence and Sexual Assault Center in the fall of 2010. Since that time, they have completed the following:

- promoted the new program to all hospital employees through a weekly newsletter and multiple awareness events;
- provided general information regarding domestic violence and their new response process training to the Domestic Violence/ Sexual Assault (DV/SA) department, the emergency department, emergency room doctors, maternal health/labor and delivery/NICU and pediatrics department, surgery and short stay department, and the behavioral health department;
- served 25 domestic violence patients;
- screened 100% of emergency department patients for domestic violence or violence in the home;
- created and distributed a "shoe card" detailing safety information for domestic violence victims to be distributed when a patient feels it would be unsafe to take a referral packet home;
- hosted a domestic violence awareness event, which included a film screening on power and control;
- had six DV/SAC employees complete the 32 hour DV Advocacy training provided by the Maryland Network Against Domestic Violence (MNADV), as well as attend the United State Attorney General DV training, FBI DV training, training on DV and traumatic brain injury, training on HIV and DV, and hosted a presentation by the criminal injuries compensation board;
- established collaborative relationships with Mercy Hospital, Northwest Hospital, Sinai Hospital, Anne Arundel Medical Center, Family Crisis Center, House of Ruth Counseling Center And Legal Offices, Office of the State's Attorney for Prince George's County, the Maryland Network Against Domestic Violence, and the Office of the Sherriff for Prince George's County;
- and participated in the following collaborative groups: the Maryland Healthcare Coalition Against Domestic Violence, the Prince George's County Domestic Violence Coordinating Council, and the Prince George's County DV Fatality Review Team.

In early fall, GOCCP was again approached by the Lieutenant Governor's Office with interest in funding the 6th hospital-based domestic violence program in Maryland. A hospital has been selected and has submitted an application to be considered. If awarded, they should begin their project in January 2012.

VINE Protective Order (VPO) Taskforce

Due to the passing of HB 1196 in the 2009 Legislative Session, the Department of Public Safety and Correctional Services are now mandated to notify a petitioner of the service of an interim protective order, a temporary protective order, or a final protective order on a respondent. Following the passage of this law, a task force was formed in the spring of 2010 and worked diligently to develop training materials for law enforcement training, which took place the following June. In late October of 2010, the VPO system was launched and piloted for approximately 30 days. At the end of 30 days, it was discovered that there were outstanding technical issues that required immediate attention. The system was shut down temporarily and was reinstated on April 4, 2011. Prior to reinstating the system, brochures were distributed to the courts as they were responsible for dissemination to victims.

In May, VPO experienced problems with regards to the public access site. Orders were in the system, but the general public could not see these orders as well, which caused a problem for victims, lawyers, and advocates who wanted to register to be notified when there is a change in protective order status. These problems were corrected at the end of June.

In September, Erin Newton and Virginia Geckler from GOCCP participated in a focus group with Appriss where they had a chance to speak and work with other VPO project managers from across the country. They were able to address several aspects of the system that they would like to see change, among them:

- displaying actual notification times, rather than a default time (currently 12:00 am)
- allowing the system to assign the order to the actual agency serving the order, rather than the holder of the record;
- and allowing VPO to show the history of the order, rather than the most recent information.

Appriss agreed to begin work on these changes.

There are currently still problems with victims registering for the system. In many cases, the problems stem from the petitioner not knowing the birth date of the respondent, which makes it impossible for the order to be entered in METERS, which is required for entry into VPO. The Council proposed a brief survey that could be sent to victim service providers and advocates to assess their use of VPO and any problems they are encountering. A one page update on the system with reminders about the system for both advocates and law enforcement would also be helpful. The Council hopes to continue its education of the public with regards to VPO registration in the coming year.

Media Outreach

On Monday, October 31st, the FVC took part in a Press Conference hosted by Governor Martin O'Malley to honor domestic violence awareness month and to announce \$2.2 million in awards to over 50 local organizations through the S*T*O*P (Services, Training, Officers and Prosecutors) Violence Against Women Act (VAWA). The Governor was joined by U.S. Senator Ben Cardin, Lt. Governor Anthony G. Brown, Maryland Attorney General Doug Gansler, advocates, community leaders, families and friends of domestic violence victims, and state and local officials.

Also in honor of domestic violence awareness month and in coordination with the House of Ruth, the Council sponsored the placement of the House of Ruth's Silent Witnesses' Exhibit in the State House for the month of October. The Silent Witnesses Exhibit is a nationwide initiative that showcases the devastating effects of

domestic violence using cardboard life-sized cut outs bearing the story and name of a woman who once lived and whose life ended violently at the hands of a husband, ex-husband, partner, or acquaintance. Finally, Cheryl Kravitz, Council member, blogged about the effect of domestic violence for Channel 9 in Washington, D.C.

Data

The Data Subcommittee is responsible for collecting any data deemed necessary for the Council to obtain a clearer picture of domestic violence status across the country. This includes the current state of domestic violence in Maryland, programs offered, gaps in services, and domestic violence laws and initiatives in other states. This continues to prove a challenge, as family violence statistics in Maryland are weak in comparison to other states. The Data Subcommittee also includes statistics on other states' laws, data collection, data sharing, domestic violence dockets, and promising practices in their research.

Department of Human Resources (DHR) Data Collection Project

As was requested by the Council, data was obtained from DHR detailing the number of domestic violence victims served throughout the state in late December 2010. Maps of this data were presented for review in February, where it was suggested that the number of domestic violence victims residing in homeless shelters per county be added so as to obtain a clearer picture of the number of beds available within the State. This information has proven very difficult to find. With DHR funding now transferred to GOCCP, it is the hope of the Council to be able to streamline data collection of this information in the near future.

Livescan Project

On April 1st of 2009 a check box for domestic violence was added to the drop down menu used for booking in both the Livescan and the Automated Booking System (ABS) used by Law Enforcement across the State, therefore allowing for the tracking of domestic violence incidents statewide. This will not be accessible on a criminal's rap sheet, nor will it be reported to the FBI, and it does not replace UCR data. This addition is simply another piece of information to try to track DV in a more effective manner. These incidences are referred to as Domestic Related Incidences or DRI's. The FVC and GOCCP completed outreach to booking departments via a letter in the fall of 2009. Law enforcement agencies were asked to begin recording DRI information as of January 1, 2010. Not all counties participated, as participation in this project was voluntary.

In March, GOCCP was informed of a problem regarding DRI data. As instructed, all police officers were assigning DRI's to crimes that meet the Council's definition, however, this DRI code was attaching itself to the statement of charges, which was then going to the courts. Court commissioners would no longer accept this and were asking police officers to remove this information from the system. As a result, DPSCS removed the option to assign a DRI from the Livescan booking system (the ABS system was not affected), and GOCCP instructed police departments using either system to cease writing the DRI code in the charging documents, as this was happening occasionally. This glitch was corrected and piloted by four counties before being completely reinstated in October.

On October 1st 2010, all law enforcement agencies were instructed to resume their internal policies with regards to coding DRI arrests, though this policy was not mandatory. Council members were instructed to assist in the success of this program by promoting it to Chiefs and Sheriffs of agencies that are not implementing it. Despite their best efforts, the DRI project has not progressed as was hoped. Legislation that would accomplish similar efforts with regards to data collection is currently being discussed.

FY 2008 Funding Maps

In follow-up to funding maps created for FY 05, 06 and 07, maps for FY 08 detailing domestic violence funding per county compared with protective order volume per county were created. For these maps, the Council decided that it was more accurate to use temporary protective order data, rather than final and temporary data combined. Using both types of orders was done originally as a measure of domestic violence; however, because

all finals were once temporaries, counting both could lead to overstating protective order incidents. Funds from United Way were also removed for consistency. These maps became final in May.

FY 2009 Funding Maps

In September, the draft version of the 2009 funding maps was created and is currently under review by the Council. Baring any problems, these maps will become final in early December.

Legislative

The Legislative Subcommittee is responsible for helping to draft and present bills for legislation. Bills must obtain a majority vote within the FVC before being presented for legislation. During the 2011 Session the Council supported the following legislation:

- HB 407/SB 747 - Domestic Violence – Additional Relief – Award of Temporary Possession of Pet: As amended, this bill would authorize a District Court Commissioner/judge to order the temporary possession of a pet in an interim, temporary, or final protective order. *Approved by the Governor*
- HB 416/SB 653 - Family Law - Domestic Violence - Definition of Abuse: Altering the definition of "abuse" for purposes of specified provisions of law relating to domestic violence to include harassment, trespass, and malicious destruction of property under specified provisions of law. *Unfavorable report in both the House and Senate*
- HB 647/SB 317 - Homeowners Insurance – Victims of Crimes of Violence – Discrimination Prohibited: As amended, this bill would prohibit insurers from using information about an individual's status as a victim of a crime of violence to take certain actions relating to a homeowner's insurance policy or denying payment to an innocent co-insured person. *Approved by the Governor*
- HB 666/SB 480 - Courts - Peace Orders: Altering the penalty, for a second or subsequent offense, for a person who fails to comply with the relief granted in an interim, a temporary, or a final peace order. *Approved by the Governor*
- HB 667/SB 342 - Courts - Peace Orders – Penalties: As amended, this bill would allow a judge the discretion to grant an extension of a peace order for an additional six months after a hearing. *Approved by the Governor*
- HB 819/SB 593 – Crimes - Definition of Serious Physical Injury - Strangulation and Suffocation: Establishing that for specified provisions of law relating to assault, reckless endangerment, the abuse of vulnerable adults, and domestic violence, the definition of "serious physical injury" includes strangulation and suffocation. *Passed Senate, no vote taken in House*
- HB 820/SB 651 - Crimes - Domestic Violence Assault: Establishing the offense of domestic violence assault; establishing penalties; prohibiting a court from suspending any part of specified mandatory minimum sentences; and requiring the State to notify the defendant in writing within a specified period of time before the trial if the State intends to seek a mandatory minimum sentence. *No vote taken in both House and Senate*
- HB 1018 – Family Law - Protective Orders - Additional Relief: As amended, this bill would authorize a judge, in a final protective order, to order the respondent to remain a

specified distance away from a person eligible for relief. *Passed House and Senate with different amendments*

- HB 1047 – Rental Housing - Tenant Victim of Domestic Violence or Sexual Assault - Lease Payment Obligation: Limiting the liability under a residential lease if a tenant victim of domestic violence or sexual assault terminates the lease and vacates the premises; and authorizing the tenant victim to terminate future liability under the lease except for a specified period of time after providing notice of an intent to vacate. *Approved by the Governor*
- SB 650/HB 1331 - Peace Orders - Surrender of Firearms: Authorizing a court issuing a temporary peace order to order the respondent to surrender to law enforcement authorities and to refrain from possessing firearms for a specified period of time under specified circumstances; requiring a court issuing a final peace order to order the respondent to surrender to law enforcement authorities and to refrain from possessing firearms for a specified period of time under specified circumstances; etc. *Unfavorable report in the Senate, no hearing scheduled in the House*
- SB 587 - Protective Order Violations - Mandatory Mental Health Evaluation– support (with amendments): Requiring the court to order a person charged with a violation of an interim, a temporary, or a final protective order to undergo a mental health evaluation. *Withdrawn by Sponsor*
- SB 674 - Domestic Violence - Protective Orders - Additional Relief: Authorizing a judge to include in a final protective order any other relief the judge determines is appropriate under the circumstances to protect a person eligible for relief. *No vote in the House or Senate*

In addition to the bills listed above, the Council opposed the following domestic violence bills:

- HB 805 – Domestic Violence – Timely Reporting: Requiring a petition for a protective order to be filed within 30 days after the alleged act of abuse on which the petition is based. *Withdrawn by Sponsor*
- HB 922 – Criminal Procedure - Victims' Resource Center – Funding: Requiring the Governor's Office of Crime Control and Prevention to sustain the Victims' Resource Center; requiring the Victims' Resource Center to perform certain functions; increasing, from \$3 to \$5, a cost that a court is required to impose on a defendant convicted of a specified offense; altering the required distribution of these fees and including the Victims' Resource Center as a recipient of a specified portion of the fees; etc. *No vote in the House*

The Council is committed to developing the momentum and awareness necessary for a successful legislative session in 2012 and has already begun this process by meeting as a full council and discussing potential legislation.

Abuser Intervention Program Certification

From 1995 – 2004, the FVC held the responsibility of monitoring abuser intervention program compliance and forwarding a list of self-certified programs to the Administrative Office of the Courts (AOC) for inclusion in the Judges' Benchbook. In 2009, after much discussion, the Council decided to again take on this responsibility. The revised Guidelines and Application were final as of January 2010. A Technical Assistance Session for interested applicants was held in late February of 2010 with a submission deadline of the end of May. Twenty-seven applications were received and reviewed in July and twenty-six programs were certified. This update of certified programs was sent to the courts in the beginning of October of 2010 for inclusion in the latest publication of the Judges Benchbook.

In February of 2011, John McGinnis from the Department of Education volunteered to organize a group of school service providers to audit all 26 newly certified AIP programs. In June, an "AIP 101" training class was held for reviewers. Reviews started in the beginning of October and were finished in mid November, with all 26 programs passing their review. The Council also certified two new programs this past summer, making the total of certified programs now 28. These new programs will be reviewed next summer.

Comprehensive Domestic Violence Providers Subcommittee

The Council adopted a new subcommittee this year, the Comprehensive Domestic Violence Program Directors Subcommittee. The Directors of these programs are involved in similar work, meaning they face similar challenges and pitfalls. This makes it ideal for them to meet as a group for support and networking. The Council voted unanimously to add this subcommittee and they meet quarterly. Kathleen O'Brien, director of Walden Sierra Health, volunteered to chair the committee. Throughout the year, they met three times and are currently considering a legislative agenda for next session. They are also completing a list of short-term goals and best practices for the coming year.

Miscellaneous Events/Activities

Illuminations Project

In late April, GOCCP, in collaboration with St. Vincent's Center and Catholic Charities, piloted the training of five agencies through the Illuminations workshop. This workshop was based on artwork created by two victims of child sexual abuse. The art depicts the realities of child sexual abuse and the dynamic influence it has on individuals, families, and communities. While this workshop has been used to train professionals in their work with children who have been sexually abused, the staff at St. Vincent's Center broadened the training to include similar tactics for victims of domestic violence and sexual assault. Following the completion of the pilots, this training now supplements the enhanced curriculum on victimization at the Maryland Police and Correctional Training Commission's Academy for in-service and new officers.

Presentations

The Council invited two organizations to present at their meetings this year to aid in their further understanding of domestic violence issues in Maryland.

The first presentation was from Cortney Fisher, Executive Director of the Criminal Injuries Compensation Board (CICB). She spoke to the Council about the intricacies of the claim process for victims. CICB is shifting the way in which they process claims for payment, but Ms. Fisher assured the group that all awards will be paid eventually; they are currently paying claims in shifts, prioritizing by paying victims first. Ms. Fisher is actively reaching out to domestic violence and sexual assault populations to ensure they understand how the process works, as the numbers currently show that they are underrepresented with regards to claims. Also, even though there is a 3-year statute of limitations on filing a claim for a victim, Ms. Fisher urged advocates to encourage victims to file a claim right away even if there has not been a loss yet associated with it; victims are always able to go back later to receive services.

The second presentation was from Laurie Duker and Judy Whiton, Executive and Deputy Directors of Court Watch Montgomery, who presented on their most recent findings in their report, “Protecting Victims of Domestic Violence in Montgomery County: Challenges and opportunities with protective and peace orders.” This study involved over 1,000 hours of observation in Montgomery County courtrooms, with approximately 53 hearings per Judge. The report focused on six specific areas: safety, deterrence, demeanor, efficiency, understanding options and orders, and interpretation. In most cases, their recommendations require little to no extra cost and in many cases may actually save both time and money. The group is planning to further expand Court Watch Montgomery to the Circuit Court, Criminal Dockets, and Judicial Reappointments, as well as advise and train other court watchers for other counties in Maryland. The group is also interested in more intimate partner data for the State. The Council will continue to work with Court Watch Montgomery to identify possible collaborations.

Looking Ahead

The Family Violence Council has identified action items and events for the upcoming year as follows:

- Awareness activities around domestic violence issues.
- Continued problem solving and training of advocates and law enforcement on the Maryland VPO Project so that it can best serve domestic violence victims in the State.
- Continued expansion of hospital-based domestic violence programs throughout the state and further determining resources for interested hospitals.
- Continued data collection and mapping projects to create better and more effective sources of intimate partner data for Maryland.
- Continued certification and review of Abuser Intervention Programs.
- Collaboration and support of Maryland domestic violence organizations.
- Legislative testimony and support.

It is my pleasure to provide this update to you regarding the dedicated work of the FVC. If you need any further information in any of the areas, please do not hesitate to contact me. Thank you for your continued commitment and support to addressing violence against women in Maryland.

FVC Leadership

Governor Martin O'Malley

Douglas F. Gansler, Chair, Maryland Attorney General

Anthony G. Brown, Lieutenant Governor

Sam Abed, Secretary, Department of Juvenile Services

Colonel Marcus L. Brown, Superintendent, Maryland State Police

L. Tracy Brown, Executive Director, The Women's Law Center of Maryland

Michaele Cohen, Executive Director, Maryland Network Against Domestic Violence (MNADV)

Theodore Dallas, Secretary, Maryland Department of Human Resources

Jodi Finkelstein, Executive Director, NARAL Pro-Choice Maryland

Rosemary King Johnston, Executive Director, Governor's Office for Children

Cheryl Kravitz, President CRK Communications

Dorothy J. Lennig, Esq., House of Ruth Maryland

Kristen Mahoney, Executive Director, Governor's Office of Crime Control & Prevention (GOCCP)

Gary D. Maynard, Secretary, Department of Public Safety & Correctional Services

Scott Patterson, Office of State's Attorney, Talbot County

Blanca Picazo, Program Manager, House of Ruth Maryland

Vicki Sadehvandi, Executive Director, CASA Citizens Assisting and Sheltering the Abused, Inc.

Bernard J. Sadusky, Superintendent of Education

Joshua Sharfstein, Secretary, Department of Health and Mental Hygiene

David Shultie, Domestic Violence Law Manager, Administrative Office of the Courts

Senator Bryan Simonaire, Maryland General Assembly

Karla Smith, Chief, Family Violence Division, Montgomery County State's Attorney's Office

Delegate Donna Stifler, Maryland General Assembly

Delegate Kriselda Valderrama, Maryland General Assembly

Jeanne Yeager, Executive Director, Mid Shore Council on Family Violence (MSCFV)